

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, June 19, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall., K. Holt arrived at 7:08 p.m., P. Kochchenburger, P. Plante, G. Zimmer

Members absent: B. Ryan

Alternates present: C. Kusmer arrived at 7:05

Alternates absent: V. Stearns, B. Pociask

Staff present: C. Hirsch (Zoning Agent), G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:04 p.m.

#### Minutes:

6/5/06-Hall MOVED, Gardner seconded, to approve the Minutes as written;  
All in favor, Plante disqualified himself. MOTION CARRIED UNANIMOUSLY.

6/15/06 Field Trip- Favretti MOVED, Goodwin seconded, to approve the Minutes as written;  
Favretti, Goodwin in favor, all others disqualified. MOTION CARRIED UNANIMOUSLY.

#### Scheduled Business

#### Zoning Agent's Report

A. Review of new occupancy at 1768 Storrs Road, File #864-3  
Curt Hirsch updated the board of a letter sent to him from B. T. Partners, LLC., stating that Lenard Engineering will be occupying the space at 1768 Storrs Road, and per the conditions of the original permit, they need PZC approval prior to occupancy. The new tenant will be using this space for storage only and they will not be adding any staff, so parking will not be an issue.

Hall MOVED, Gardner seconded, that the Planning and Zoning Commission approve occupancy revisions for the existing commercial building at 1768 Storrs Road as described in a 6/7/06 letter from N. Smith of B.T. Partners, LLC. This authorization addresses condition #2 of the Planning and Zoning Commission's 2/21/06 approval motion regarding the subject site. Any future changes in occupancy on this property shall be reviewed with the Zoning Agent and any changes in the nature of the uses shall require additional authorization from the Planning and Zoning Commission. As previously noted, the adequacy of parking and septic system capacities will be important factors in determining the appropriateness of future use revisions.

THE MOTION CARRIED UNANIMOUSLY.

B. Enforcement Update

There were no questions or comments regarding C. Hirsch's Monthly Report of Zoning Enforcement Activity.

Old Business

1. Subdivision application, proposed new lot on Mt. Hope Road, F. Spakoski, applicant, C. Harakaly, owner, file #1247-M.A.D.7/5/06  
Representing the applicant was Mike Dilaj from Datum Engineering who presented the Commission with the receipts of abutter notification.

Dilaj stated that he had received comments from Greg Padick, Director of Planning, and John Jackman, Fire Marshal. The comments are being addressed and some have been noted on the plans submitted on 6/19/06. Dilaj is working with the Fire Marshal to create a turnaround near the proposed house to accommodate emergency vehicles. Due to the length of the driveway, Jackman is requiring two additional pull-out/by-pass areas between the turnaround and the road. Dilaj noted that the amount of fill to be brought in to create the driveway will be approximately 440 cubic yards, which is under the 500 cubic yard limit which would require a special permit.

Members expressed concern with the possibility of losing some specimen trees in the design of this site.

Dilaj indicated that there are no significant specimen trees in the building area envelope, nor are there any in the area of the proposed driveway. Dilaj noted that prior to clearing for construction, his company will flag the limits of the construction area and then he personally will go out to verify the flag locations.

On Lot #2 the applicant will utilize the current horse barn and pasture, but usage will stop at the wetland area. The owner indicated that they will install a fence to keep the animals and livestock out of the wetlands, but also plan to use a previously established "watering hole."

Question was raised about open space dedication to the town. Dilaj stated that they are seeking an exemption from an open space dedication because they are subdividing into 2-lots and based on the regulations, open space dedications are to benefit the owners of proposed lots. The applicant did indicate that they would be willing to put a note on the mylar that if the 16.36 acres were to be re-subdivided in the future, then an open space dedication would be acceptable.

Holt questioned if the PZC could place a condition of their approval requesting a conservation easement dedication along Mt. Hope Road. She also wondered if the animal-fencing locations will be submitted for additional approval, because she couldn't recall if that was a condition of the IWA permit.

At this time Mr. Spakoski spoke on behalf of himself and his wife. He indicated that they would like to leave the land in its current state as much as possible. They are specifically building the driveway in the proposed location to avoid destruction of the Pine Grove. They plan on using the existing pastures for their (one) horse.

Padick mentioned that Mt. Hope Road is a scenic road and noted the possibility of having a conservation easement along the road frontage to preserve it. He also mentioned that the commission has to determine if the wording of Section 13 in the Subdivision Regulation applies to the intended use in this case. He stated that if the PZC determines that an open space dedication can be required, the PZC could include some of the pasture and wetland areas in the conservation easement and specify that agricultural uses would be allowed.

In response to a question, Dilaj stated that the frontage for the farm lot is about 1,100 feet.

Gardner agreed to work on a motion for the 7/15/06 meeting, and Mike Dilaj will be getting the updated maps to the PZC.

#### Scheduled Business

Public Hearing: Re-subdivision Application, proposed revision of lots 29 and 33 in the Maplewoods Subdivision, Maple Road/Max Felix Drive, into 3 lots, Depot Associates, o/a, File #974

The Public Hearing opened at 7:38 p.m., C. Kusmer acting in the absence of B. Ryan. Members and

Alternates present were: Favretti, Gardner, Goodwin, Hall, Holt, Kochchenburger, Plante, Zimmer, and Kusmer. Padick read a 6/14/06 Public Notice published in the Chronicle. Padick referenced a 6/15/06 memo from Grant Meitzler, Assistant Town Engineer; a 6/15/06 memo from Robert De Vito, R.S. Sanitarian; and a 6/19/06 memo from Greg Padick, Director of Planning.

Donald Holmes of Holmes & Henry Engineers, engineer for the applicant was present, as well as the applicant, Michael Taylor. Discussion was held, and the audience was given the opportunity to speak. Many abutters and residents in the vicinity of the applicant's property spoke and provided information about existing water supply problems. Concern was expressed that the proposed re-subdivision could affect existing wells. A petition opposed to the application was submitted. Subsequently, the applicant withdrew his application due to the hardship it might cause the immediate community surrounding the property. Mr. Taylor stated that he did not realize the impact this would have, and will be sending a letter to the Planning Office withdrawing his application.

Holt MOVED, Plante seconded, to close the Public Hearing on the condition that a letter is received from Mr. Taylor, withdrawing the application. MOTION PASSED UNANIMOUSLY.

Public Hearing-Sand and Gravel Special Permit renewals:

A. Hall Property, Old Mansfield Hollow Road, File #910-2

The Public Hearing opened at 8:22 p.m. P. Kochenburger disqualified himself. C. Kusmer acted in the absence of B. Ryan. Members and alternates present were: Favretti, Gardner, Goodwin, Hall, Holt, Plante, Zimmer, and Kusmer. Padick read a 6/14/06 Public Notice published in the Chronicle. Padick made note of a 6/15/06 staff report from Curt Hirsch, Zoning Agent; and 6/15/06 staff report from Grant Meitzler, Assistant Town Engineer.

Attorney Mark Branse, representing the applicant, apprised the board that area 1 is complete, and noted that all information presented in the staff reports is correct. Martin Brogie, Soil Scientist, is currently working on preparing a report on the groundwater levels analysis for the commission.

Favretti inquired about the status of the trailers that were observed on the site during a recent field trip. Attorney Branse stated that four trailers have been removed already, two or three will be removed this week, and one container owned by a local church is going to be returned to them in the very near future.

Holt asked for and received clarification about the parcel now owned by Eric Hall.

Gardner asked if the buffer zone shared with neighbors has been disturbed. Branse indicated that it had not been affected.

At this time Chairman Favretti asked for any Public comment.

Christine Stadler-McCarthy, 89 Mansfield Hollow Road, stated that her parents had lived there since 1978, and recently family members have observed that the hillside between the Hall and McCarthy property has been excavated to half of its original size, and this was done within the 50-foot buffer zone.

Branse and Favretti informed McCarthy that this is a Public Hearing regarding only the application renewal for the Special Permit for the Gravel Pit.

McCarthy pointed out on a map where the buffer had been violated by the creation of a cart path, and she stated that it is on the subject application. McCarthy stated that neighbors object to the gravel operations. She also wondered if Hall's cattle are affecting the water table.

Curt Hirsch, Zoning Agent, stated that the 50' buffer is still part of the gravel permit, and the applicant needs to adhere to it. Mr. Branse agreed with Hirsch that the 50' buffer is a condition of the gravel permit, regardless of who the owner of the property is now, but indicated that McCarthy is incorrect in stating that there have been violations to that

recently. The 50' buffer was put into effect in July of 2005, and the applicant has not infringed on it since.

Branse indicated that the cattle McCarthy is speaking of could not be where she stated, because there is no fencing in that area, and they are never allowed to graze in that area. The cattle are fenced in west of the subject area.

Favretti stated that there is a July 1, 2006 deadline on this renewal, or the commission can grant an extension on the permit to investigate the allegations and to receive the water monitoring report.

Holt MOVED, Zimmer seconded, to extend the Public Hearing and the permit with all existing conditions until July 17, 2006. MOTION PASSED UNANIMOUSLY with Kochenburger disqualified.

B. Steve Banis Property, Pleasant Valley Road, File #1221

C. Kusmer was acting in the absence of B. Ryan. Members and alternates present were: Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Plante, Zimmer, and Kusmer. Padick read a 6/14/06 Public Notice published in the Chronicle. Padick made note of a 6/15/06 staff report from Curt Hirsch, Zoning Agent; and 6/15/06 staff report from Grant Meitzler, Assistant Town Engineer.

The applicant indicated that Area 1 and 2 are complete, and area 3 is partially complete, but they would like to go onto their additional property approximately 75'. This area will most likely require blasting and the amount of material to be removed is more than they previously estimated.

Holt consulted Hirsch to inquire if there had been any complaints regarding this site. Hirsch indicated that he received a phone complaint about the blasting not being posted. Hirsch contacted the applicant and Banis stated that they had signs up. Hirsch contacted the Fire Marshal who said that everything was done to his satisfaction.

Favretti asked for a more detailed site plan that would clarify existing permit limits as well as the extensions proposed by the applicant.

Holt MOVED, Zimmer seconded, to extend the Public Hearing until July 17, 2006, and also extend the permit with all existing conditions until July 17, 2006. MOTION PASSED UNANIMOUSLY.

Public Hearing:

Application to re-zone property on northerly side of Dog Lane from RAR-90 to Planned Business-2, Mansfield Downtown Partnership/Storrs Alliance, LLC., File #1246  
Application to amend Articles VII and VIII of the Zoning Regulations, Mansfield Downtown Partnership/Storrs Alliance, LLC., File #1246-2

The Public Hearing continuation on these two applications opened at 9:10p.m. P. Kochenburger stated that he reviewed the tapes from the last Public Hearing in order to act. C. Kusmer was acting in the absence of B. Ryan. Members and alternates present were: Favretti, Gardner, Goodwin, Hall, Holt, Kochchenburger, Plante, Zimmer, and Kusmer. Padick made note of a 6/16/06 memo from Dennis O'Brien, Town Attorney. Favretti noted that all records from the previous Public Hearing are entered into record.

Attorney Tom Cody from Robinson and Cole was present representing the applicant. The applicant had no comments.

Favretti asked if there were any comments from the public. The public has no comments.

Holt MOVED, Plante seconded, to close both Public Hearings A & B. MOTION PASSED UNANIMOUSLY. Favretti volunteered to work on a motion.

#### Public Hearing

Special Permit Application, proposed commercial building and related site work on property Dog Lane, Storrs Center Alliance, LLC., File #1246-3  
Subdivision to application, proposed new lot on Dog Lane, Storrs Center Alliance, LLC., File #1246-4

The Public Hearing continuation on these two applications opened at 9:15p.m. P. Kochenburger stated that he reviewed the tapes from the last Public Hearing in order to act. Members and alternates present were: Favretti, Gardner, Goodwin, Hall, Holt, Kochchenburger, Plante, Zimmer, and C. Kusmer who was acting in the absence of B. Ryan. Padick made note of a 6/15/06 Report from the Traffic Authority, and a 6/16/06 report from Greg Padick, Planning Director.

Attorney Tom Cody of Robinson and Cole was present representing the applicant. At this time Cody responded to the commission's questions from the previous Public Hearing. Cody introduced Geoff Fitzgerald from B.L. Companies to address questions about: landscaping, grass pavers, slope, traffic and sight lines. Fitzgerald distributed copies of a revised site plan addressing these questions, showing the plantings, sightlines, buffer area, screening from the residential area, and an eco-stone paver to replace the grass pavers.

Holt expressed concern that the arborvitae shown will not be deer resistant. Fitzgerald was willing to change species to accommodate. Padick indicated that any change in species of shrubs and trees could be addressed upon consulting with the landscape architect at a later date.

The commission was told that the eco-stone pavers have a good stability record for this region.

Mr. Fitzgerald stated that the slope of the parking lot grading is less than 5% and would not cause cars to slide on the ice, an issue which commission members had previously been concerned about.

Fitzgerald agreed with the Mansfield Traffic Authority report stating that the speed humps on Dog Lane do slow traffic, and that at this time additional controls do not seem warranted.

Zimmer expressed concern for delivery trucks getting into the rear area of the building and blocking traffic. After discussing delivery issues and the potential use of the northerly driveway providing access to the dumpster area, Kochenburger suggested the applicant interview the prospective tenants to know what kind of vehicles are currently bringing their supplies and merchandise.

Plante would like “DO NOT ENTER” signs posted for the one-way parking lot. Favretti said he would like to see sign details.

Holt asked for clarification on the entrance to the courtyard in the rear via the one way “tunnel” between the main building and the automotive repair shop. Tolidano stated that it is 15’ wide with a bar gate entrance and will only be open during business hours. The applicant related that 2-way traffic is planned for this driveway.

Fitzgerald indicated that they added more landscaping on the north side by Buckley Hall, at the east side of the parking area, and also along Dog Lane on the south side.

Zimmer questioned if the entrance to the parking could be closer to the crest of the hill and which would have better sight lines and also eliminate a pedestrian crossing between the parking lot and building. Fitzgerald indicated that UConn requested to keep the parking lot driveway between Bishop and Buckley at the same location it is now.

Architect Patrick Pinell addressed the question of materials and colors. He indicated that the idea is to keep the building as a “small town” New England-style building. The upper stories of the building will be straw color, and the ground floor an olive color. The exterior material is called Hardie, after James Hardie, and it is residential looking, but is for a commercial environment with the color through 100% of the material. It is made of sand, cement, and wood fibers. The trim will be made of the same material, the windows will be vinyl, and the roof shingles will be fiberglass.

Favretti asked if they will be able to comply with the Fire Marshal’s request for hydrants, Tolidano said that was no problem, and that would be on the final plans.

Favretti asked if there were any comments from the public. The public had no comments.

Padick raised the issue of parking requirements and suggested that the commission could include a condition that the applicant provide additional parking, as necessary at an off site location to ensure adequate parking.

Cody assured the commission of the dispersion of peaks in parking due to the mix of uses of the occupants. He asked that there be no stipulations or conditions placed on this permit to require additional parking.

Hall stated that the parking need for the proposed garage use would extend all day from 8 a.m. when people are dropping off their cars to 5 p.m. when people are picking them up. The proximity for people to walk to work after dropping their cars off makes it appealing. Cody indicated that he spoke with the owner of Storrs Automotive and she understands the parking limits and is satisfied with them.

Holt suggested that a satellite parking area might be better for the automotive shop owner to keep the cars that are long term.

Kochenburger expressed concern for having an automotive shop near other tenants. Cody stated that is why the building is designed the way it is. The appearance on the street front is commercial shops, and the "L" separates the automotive from the other uses.

Mayor Betsy Patterson stated that the design team has attempted to accommodate the PZC, neighbors, and community to make this project as successful as possible.

Padick indicated that the applicants addressed the main points and issues identified, and a motion with the conditions could be drafted. Kochenburger and Favretti agreed to work on a motion for the next meeting.

Plante MOVED, Goodwin seconded, to close the Public Hearing. MOTION PASSED UNANIMOUSLY. The Public Hearing was closed at 10:25 p.m.

\*\*Goodwin excused herself from the meeting at 10:25 p.m.

Continuation of Old Business

## 2 Request to re-approve Hanks Hill Estates Section 5, PZC File #596-4

A 6/15/06 report from the Director of Planning was included in the PZC packet. After a brief discussion,

Gardner moved, Holt seconded, that the Planning and Zoning Commission re-approve the Hanks Hill Estates, Section V subdivision of the Taylor Family Trust with the same approval conditions cited in an April 7, 2004 action. The minutes of this meeting shall incorporate the 4/7/04 approval conditions and map references. MOTION PASSED UNANIMOUSLY.



Application to amend the Zoning Regulations, Article X, Section D.5.o parking requirements for retail and personal service uses, U.S. Properties, File #1245-M.A.D. 8/9/06

After determining that members felt no need to further discuss this application, Hall MOVED, Gardner seconded, to approve the application of U.S. Properties (file 1245), to amend Article X, Section D.5.o of the Zoning Regulations as heard at Public Hearings on May 15, 2006 and June 5, 2006 subject to revised wording that limits applicability of the subject parking requirement revisions to retail and personal service uses on lots that contain a minimum of 50,000 square feet of commercial square footage. This amendment as worded below, shall be effective as of July 1, 2006. Reasons for approval include:

1. The revisions as approved are considered acceptably worded and suitably coordinated with related zoning provisions;
2. The revisions, which incorporate new parking provisions for those retail and personal service uses on sites with at least 50,000 square feet of commercial square footage, have been adequately justified in application submissions and Public Hearing testimony. The Commission has determined that a reduction in the number of required parking spaces for commercial sites with over 50,000 square feet of commercial square footage is appropriate, as customers typically visit more than one commercial tenant per trip;
3. The revisions are considered to be consistent with the Plan of Conservation and Development goals and objectives and the provisions of Article I of the Zoning Regulations. The revisions will help encourage an appropriate use of properties with commercial buildings that exceed 50,000 square feet in size.

The approved revision to Article X section D.5.o shall read as follows:

- o. Retail and personal service uses within a building and involving one or two retail or personal service operations per store or shop.

Five spaces for the first 300 sq. ft or less of floor area and one for each additional 200 sq. ft of floor area. For retail and personal service uses on sites with 50,000 square feet or greater of commercial building square footage "net retail floor area" may be used to calculate required parking.

MOTION PASSED UNANIMOUSLY.

4. Site modification request, proposed deck and increase in seating, Mansfield Restaurant Pizzeria & Pub, 466 Storrs Road, P. Gitsis, File #651-2

Additional necessary information is not available at this time. ITEM TABLED by Chairman.

5. Bond Release Request:

- a. Wild Rose Estates, Section 1, File # 1302

At this time staff is not ready to make a recommendation. Padick related that work is not done on the detention basin, but the bond may be able to be reduced from \$64,000 to \$30,000. He noted that G. Meitzler does not want it reduced until they have completed more work. ITEM TABLED.

- b. Mulwood East, File #1225

Padick related that the common driveway aprons have not been installed, and the edges of the driveway have not been stabilized. This is not ready for release, but it may be appropriate to approve a reduction at the next meeting. ITEM TABLED.

6. Regulatory Review Committee recommended revisions to the Zoning Regulations.

A 6/14/06 memo from Director of Planning Gregory Padick was noted.

Gardner MOVED, Hall seconded, that the Planning and Zoning Commission schedule a Public Hearing for Monday, July 17, 2006, on 6/14/2006 draft revisions to Article III of the Zoning Regulations and 6 other sections of the Zoning Regulations. Furthermore, that the Planning and Zoning Commission refer the proposed revisions to the staff, Town Attorney, Town of Windham, and WINCOG Regional Planning Commission for review and comment. The proposed revisions would extend until February 15, 2007 an existing moratorium for applications to create Design Multiple Residence, Planned Residence or Age-Restricted Housing zones on property south of Pleasant Valley Road currently zoned either Professional Office-3 or Industrial Park, and would clarify regulatory provisions in 6 other sections of the Zoning Regulations. MOTION PASSED UNANIMOUSLY.

Discussion was held regarding Mansfield's existing Political Sign regulations and whether any revisions should be proposed at this time. It was agreed that no action should be taken on this issue until Padick contacts the Connecticut Council of Municipalities to seek research information on this issue.

7. Proposed PZC fee revision

ITEM TABLED, awaiting staff reports.

8. Other

Padick updated the commission that a legal decision has been rendered in favor of Mansfield on the case of Home Selling Team vs. Mansfield Planning and Zoning Commission.

Padick also mentioned that if commission members have a particular area of expertise that would be pertinent and beneficial to the PZC, they should submit a copy of their resumes to the Planning Office to keep on file, and cite their qualifications during application processing. In the event that a decision is challenged, the PZC would have a record of members' credentials in areas of their expertise.

#### New Business

None

#### Reports of Officers and Committees

- There was no report from the PZC Chairman or Regional Planning Commission Representatives.

#### Communications and Bills

- The agenda items were noted, Padick noted that item #2 regarding a memo from the Town Manager, RE: UConn master plan for water supply and wastewater treatment. Padick has been designated as the second Mansfield Representative.

Noting there was no additional business, Favretti declared the meeting adjourned at 10:45 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary